IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 11816 of 2004(F)

PETITIONER:

KUSUMAM SADHANANDAN, AGED 49 YEARS,
W/O. SADHANANDAN, MUCHAN VEEDU, MULANTHURUTHY P.O.
MULANTHURUTHY VILLAGE, KANAYANUR TALUK.

BY ADV. SRI.P.K.BALAKRISHNAN NAIR

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM

2. DISTRICT COLLECTOR, ERNAKULAM DISTRICT,
KAKKANAD, ERNAKULAM.

3. MULANTHURUTHY GRAMA PANCHAYAT,
REPRESENTED BVY ITS SECRETARY, MULANTHURUTHY,
ERNAKULAM.

4. HINDUSTAN PETROLEUM COMPANY LTD.,
REPRESENTED BYT ITS MANAGER, TATAPURAM,
P.O.ERNAKULAM

5. CHINNAMMA, AGED 65 YEARS,
W/O. ABRAHAM, AMBALATHINGAL HOUSE,
MULANTHURUTHY P.O., ERNAKULAM.

BY ADV. SRI.C.T.JOSEPH --- R5
SRI.K.R.GANESH
SRI.N.SAJU THOMAS
SRI.C.JAYACHANDRAN
R4 BY SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SMT.PRIYA MAHESH
SMT.PRIYA MANJOORAN
SRI.BOBBYMATHEW KOOTHATTUKULAM --- R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 11816/2004 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE R2 DT. 3/2/2004.

EXT.P2. COPY OF THE REPRESENTATION BY THE PETITIONER TO THE DIST. MEDICAL OFFICER DT. 16/2/2004.

EXT.P3. COPY OF THE REPRESENTATION BY THE PETITIONER TO THE POLLUTION CONTROL BOARD DT. 16/2/2004.

RESPONDENT'S EXHIBITS

EXT.R3A. COPY OF THE APPLICATION DT. 4/4/04 BY THAMPY T.K., DEALER OF THE R4 BEFORE THE R3.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 11816 OF 2004

Dated this the 5th day of July, 2007.

J U D G M E N T

This writ petition is filed with the following prayer:

> i) to issue a Writ of prohibition, direction or order of the like nature restraining the respondents from conducting any business in Petroleum in partly reclaimed wet land in survey No. 85/6 in Block No. B/23 of Mulanthuruthy Village.

2. In the counter affidavit filed by the 3rd and 5th respondent it is submitted that there is no violation of the provisions of Land Utilisation Order, since the property is garden land for several years.

Learned Government Pleader upon instructions submits that the Tahsildar has already conducted an enquiry in the matter and found that there is no merit in the allegations raised by the petitioner. In the above circumstances, this writ petition is dismissed.

KURIAN JOSEPH, JUDGE.

smp